

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-46694

WINSTAR COMMUNICATIONS, LLC,

Chapter 11

Debtor.

Judge Thomas J. Tucker

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**MEMORANDUM SUPPLEMENTING THE COURT'S BENCH OPINION
OF MAY 14, 2008 REGARDING MOTIONS
UNDER 11 U.S.C. § 365(d)(3) (DOCKET ## 42, 70)**

This case came before the Court for a hearing on May 14, 2008 on motions filed by two of the Debtor's landlords, Carew Realty, Inc. and Peachtree Financial Associates, LLC (successor in interest to SV Atlanta Peach Tree Limited Partnership), seeking relief based on 11 U.S.C. § 365(d)(3)(Docket ## 42, 70). The Court is granting the motions, by separate orders to be entered shortly, for the reasons explained in the Court's bench opinion given during the May 14, 2008 hearing. During that bench opinion, the Court stated that it would file a supplement to the bench opinion, citing certain case law authority and one of the Court's previous bench opinions in a different case. Accordingly, the Court supplements its May 14, 2008 bench opinion with citation to the following authority:

1. *Koenig Sporting Goods, Inc. v. Morse Road Co. (In re Koenig Sporting Goods, Inc.)*, 203 F.3d 986, 989 n. 2 (6th Cir. 2000)("[a] debtor's obligations under § 365(d)(3) should not be analyzed by reference to the principles governing administrative claims under § 503(b)(1)" (citation omitted)).
2. This Court's bench opinion given on June 8, 2007 in *In re Ligoritis*, Case No. 07-46188 (transcript filed at Docket # 197, at pp. 7-11)(holding that debtor's obligations under 11 U.S.C. § 365(d)(3) are allowable administrative expenses under 11 U.S.C. § 503(b), relying primarily on *CIT Communications Finance Corp. v. Midway Airlines Corp. (In re Midway Airlines Corp.)*, 406 F.3d 229, 235-36 (4th Cir. 2005)).

Signed on May 15, 2008

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge